

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES
LITIGATION

Civ. No. 04-10027-JLT

**DEFENDANTS' UNOPPOSED MOTION TO SERVE THIRD PARTY SUBPOENAS
*DUCES TECUM AND AD TESTIFICANDUM***

Pursuant to this Court's Discovery Order that "[n]o additional discovery shall take place without further order of the court," Defendants Albert Erani, Philip Laughlin, Donna Abelli Lopolito, Michael Sabolinski and Alan Tuck ("Defendants") respectfully move this Court for leave to serve subpoenas *duces tecum* and *testificandum* upon the following persons and entities:

1. Bradley Cook, Esq.
2. Hans Estin
3. Lawrence Scheeler, C.P.A.
4. Gordon Associates, Inc.

As grounds for this motion, Defendants state:

1. Mr. Cook is listed on Plaintiffs' initial disclosure statement and the Sworn Statements of Lead Plaintiffs John H. Bowie, Jr., Richard Madigan, Sr. and Bruno Hofmann as a person known or believed to have discoverable information about the claims or defenses in this action. Additionally, Plaintiffs have produced documents previously in Mr. Cook's custody, including trading records and correspondence relating to this action.
2. Mr. Estin is listed on the Plaintiffs' initial disclosure statement and the Sworn Statements of Messrs. Bowie, Madigan and Hofmann as a person known or believed to have

discoverable information about the claims or defenses in this action, including the so-called "Confidential Arcari Document."

3. Documents produced by Plaintiffs indicate that Mr. Scheeler corresponded with Mr. Hofmann and Mr. Hofmann's financial advisor, Mr. John Colley, regarding both Mr. Hofmann's trades in Organogenesis securities and lawsuits against Defendants relating to Organogenesis, Inc. Thus, Mr. Scheeler is believed to have discoverable information about the claims and defenses in this action.
4. Documents produced by Plaintiffs indicate that Gordon Associates undertook a valuation analysis of Organogenesis, Inc. in March 2002, shortly after the close of the putative Class Period. Thus, Gordon Associates is believed to have discoverable information about the claims and defenses in this action.

WHEREFORE, Defendants respectfully request this Court grant leave for them to serve subpoenas *duces tecum* and *ad testificandum* upon Bradley Cook, Esq., Hans Estin, Lawrence Scheeler, C.P.A. and Gordon Associates, Inc.

WILMER CUTLER PICKERING HALE AND
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By: /s/ Kimberly Friday
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Sabolinski, and Alan Tuck*

Dated: July 11, 2006

LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION

Counsel for defendants John Arcari and Herbert Stein have been advised of this motion, and assent to it. Counsel for Plaintiffs have been advised of this motion and do not oppose.

/s/ Kimberly I. Friday
Kimberly I. Friday

Certificate of service

I, Kimberly I. Friday, hereby certify that a true copy of this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and an electronic copy will be sent to those indicated as non-registered participants on July 11, 2006.

/s/ Kimberly I. Friday